

## ARTICLE 89-06

### FUNDING FROM THE RESOURCES TRUST FUND

Chapter	
89-06-01	Rules Governing the State Water Commission's Analysis of a Proposed Water Project or Study Seeking Financial Assistance from the Resources Trust Fund

#### CHAPTER 89-06-01

#### RULES GOVERNING THE STATE WATER COMMISSION'S ANALYSIS OF A PROPOSED WATER PROJECT OR STUDY SEEKING FINANCIAL ASSISTANCE FROM THE RESOURCES TRUST FUND

Section	
89-06-01-01	Definitions
89-06-01-02	Initial Review
89-06-01-03	Study of the Proposal

**89-06-01-01. Definitions.** The following definitions apply to this article:

1. "Commission" means the North Dakota state water commission.
2. "Resources trust fund" means that fund established by North Dakota Century Code section 57-51-07.1.
3. "Proposal" means an application submitted to the commission for financial assistance from the resources trust fund either for a water-related study or a water-related project.
4. "Applicant" means the party submitting a proposal.

**History:** Effective June 1, 1987.

**General Authority:** NDCC 28-32-02, 61-02-14

**Law Implemented:** NDCC 57-51.1-07.1

**89-06-01-02. Initial review.** The commission will make an initial review of a proposal to decide whether the proposal is eligible for funding from the resources trust fund and to decide whether it merits a study.

1. **Information required for the initial review.** An applicant must submit the following information:
  - a. Information explaining the need for the proposal, including its objectives and benefits.
  - b. Either the area in which the proposed water-related project is to be physically located or, if the proposal concerns a water-related study, the area in which the study is? be undertaken.

- c. The area to be served by the proposal.
  - d. Maps, diagrams, and other illustrated documentation should be submitted if these will make the proposal more understandable.
  - e. The approximate cost of carrying out the proposal.
  - f. The amount of funding sought from the resources trust fund and the amount the applicant intends to contribute to carrying out the proposal.
  - g. Efforts made, and the results, to secure funds from sources other than the resources trust fund.
  - h. An explanation why assistance from the resources trust fund is necessary.
  - i. An explanation how the proposal relates to the commission's comprehensive state water plan.
  - j. An explanation how the project relates to the master plans of water resource districts affected by the proposal, if such districts have master plans.
  - k. A preliminary report on the engineering feasibility of the proposal if it is for a water-related project.
  - l. A general discussion of any objections to the proposal made by any person.
  - m. Any other information the applicant believes pertinent or that the commission may request.
2. **Alternatives.** The applicant must consider whether an alternative project or study can satisfy the objectives of the proposal. In its application to the commission for review the applicant must set forth a general explanation of all alternatives considered.
  3. **Time.** To ensure review of an application at a regularly scheduled meeting of the commission, an applicant must submit the information required by these rules thirty days prior to such meeting.
  4. **The commission's decision upon initial review.** After initial review the commission may decide:
    - a. The information provided is inadequate to review the proposal and may order the applicant to provide more information, or may obtain more information itself.

- b. The proposal is not eligible for support from the resources trust fund, and upon such a decision the commission shall prepare a report setting forth its reasons.
- c. A study of the proposal should be undertaken and may order the applicant to conduct the study or may conduct the study itself.

**History:** Effective June 1, 1987.

**General Authority:** NDCC 28-32-02, 61-02-14

**Law Implemented:** NDCC 57-51.1-07.1

**89-06-01-03. Study of the proposal.** A study of a proposal is to provide the commission with the information necessary for it to make an informed decision whether to recommend that the legislative assembly support the proposal with money from the resources trust fund.

1. **Study contents.** A study of a proposal must include all the following information:
  - a. All the information required by subdivisions a, f, g, h, i, and j of subsection 1 of section 89-06-01-02 and subsection 2 of section 89-06-01-02. This information, however, must be updated and submitted in more detail and clarity. The reason for these latter requirements is that the study provides the basis of the commission's final decision, rather than its initial review, and it must, therefore, be comprehensive.
  - b. If the proposal is for a water-related project, an explicit explanation of the area where the project is to be physically located and the area and interests to be served by it.
  - c. If the proposal is for a water-related study, an explicit explanation of the area in which the study is to be conducted.
  - d. Compliance with subdivisions b and c requires submission of maps.
  - e. An itemization of the proposal's cost.
  - f. A complete examination of the engineering feasibility of the proposal if it is for a water-related project.
  - g. A general statement of all objections to the proposal or to funding it from the resources trust fund. The identity of persons and entities making the objections. This subsection only applies to written objections made to the applicant and to oral objections made at any meeting of the applicant.

h. Any other information the applicant believes pertinent or that the commission may request.

2. **Study undertaken by the commission.** If the commission decides to conduct the study of a proposal itself, it may require the applicant to assist in the study.
3. **Time.** To ensure that a study of a proposal is reviewed at a regularly scheduled meeting, an applicant, if he has been ordered to carry out the study, must submit the results of the study thirty days prior to such meeting.
4. **The commission's decision upon the study.** After its consideration of a study of the proposal the commission may decide:
  - a. The information provided is inadequate to make a final decision on the proposal and may order the applicant to provide more information, or may obtain more information itself; a means by which the commission may obtain more information is by exercising its discretion to hold a public hearing.
  - b. The proposal is not eligible for support from the resources trust fund, and upon such a decision shall prepare a report setting forth its reasons.
  - c. The proposal is eligible for support from the resources trust fund and whether it merits such support, and upon such a decision shall prepare a report setting forth its reasons and recommendation to the legislative assembly.

**History:** Effective June 1, 1987.

**General Authority:** NDCC 28-32-02, 61-02-14

**Law Implemented:** NDCC 57-51.1-07.1